

FISCAL EMPLOYER AGENT



palcofirst.com

customersupport@palcofirst.com

Southwest Michigan
Behavioral Health Program
Employer Handbook

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TABLE OF CONTENTS

Contact Information	3
Key Terms and Information.....	4
Acronyms and Definitions	4
Overview of Participant Directed Services and Financial Management.....	6
Roles and Responsibilities.....	8
Role of the VF/EA FMS.....	8
Role of the Employer.....	8
Employer – Recruiting and Interviewing	10
Hiring a Worker	11
Criminal Background Checks.....	12
Being a Good Employer.....	12
Paying Workers.....	13
Electronic Visit Verification (EVV).....	14
Online Timesheet Portal	14
Worker Hours	16
Employer Training.....	16
Payroll.....	16
Taxes	17
Monitoring Spending	18
Terminating a Worker	18
Reporting Changes.....	19
Health and Safety.....	20
Workplace Injuries.....	20
Mandatory Reporting.....	21
Backup Planning	21
Ongoing Support	24
Service Notes.....	24
Terminating the VF/EA FMS Option	24
Ongoing Support.....	25



CONTACT INFORMATION

Palco Customer Service can be reached during normal business hours, Monday-Friday 8:00 am to 5:00 pm eastern standard time, excluding holidays. Messages can be left outside of business hours and will be returned the next business day. Contact information is below:

Mailing Address

P.O. Box 242930 Little Rock, AR 72223

Important Phone Numbers

Palco Main Line: 1-866-710-0456

Workers' Compensation Injury Hotline: 1-800-892-1015

Palco Fax Line: 501-821-0045

Email: info@palcofirst.com

Website: <http://www.palcofirst.com/michigan>

Email: CustomerSupport@palcofirst.com

Summit Pointe

Phone: 269-966-1460

<https://www.summitpointe.org/>



KEY TERMS AND INFORMATION

Acronyms and Definitions

Employer: The employer is the person responsible for managing and directing the delivery of service. They are the legal employer of record. In their capacity as the employer of workers, the participant or their surrogate has responsibility to fulfill functions including but not limited to:

- ✓ Recruiting and hiring qualified workers.
- ✓ Training workers to meet the participant's needs.
- ✓ Determining workers' schedules and responsibilities.
- ✓ Managing the work performed by workers in a supervisory capacity.
- ✓ Terminating a worker's employment when necessary.
- ✓ Any responsibilities established by SWMBH bulletins.

Financial Management Service (FMS): The FMS is an entity that provides administrative services to support employer functions within F/EA model (see below). Also known as a Fiscal Intermediary (FI) at times.

Fiscal Employer Agent (F/EA): The model of services in which a participant receiving services or their representative is established as an employer using the support of an FMS.

Individual Plan of Service (IPOS): The Individual Plan of Service is a coordinated and integrated description of person-centered activities, including services and supports for an individual.

Participant (PAR): The participant is the individual enrolled in the waiver receiving services.



Case Manager (CM): The Case Manager is the person responsible for locating, coordinating, and monitoring supports and services for the participant withing SWMBH.

Worker: The worker is the individual hired by the participant/employer to provide the service that has been approved and authorized in the IPOS.

Taxes: Required employer taxes that must be paid on behalf of your employees. The tax costs are accounted for in the approved/authorized service amount.

- ✓ FICA (Federal Insurance Contribution Act) — Funds for providing care for the aging, disabled and survivors. Includes funding for Medicare for people who cannot afford medical insurance.
- ✓ FUTA (Federal Unemployment Tax Act) — Finances employment programs at the federal level.
- ✓ SUTA (State Unemployment Tax Act) — Finances employment programs at the state level.



OVERVIEW OF PARTICIPANT DIRECTED SERVICES AND FINANCIAL MANAGEMENT

Participant directed and/or self-direction is a service delivery model that provides individuals with choice and control over the services and supports they require to live independently in their home. In many self-directed programs, the individual receiving services or an individual they designate is the legal employer of record. This empowers them to have control over all aspects of the services including hiring, training, scheduling, and managing qualified employees of their choice. In this program, the term “employer” is used to designate the legal employer.

Over the years, states have found that there are many benefits to self-directed programs. Benefits can include:

- ✓ Improvement of the participants’ health outcomes.
- ✓ Participant satisfaction with how they lead their lives.
- ✓ Caregivers experiencing less physical strain and are more satisfied with overall care.
- ✓ No increase in incidence of fraud and abuse.
- ✓ High-cost services being utilized less when basic support services are provided.

Companies like Palco are known as Financial Management Services (FMS) providers or often a Fiscal Employer Agent (F/EA). As an F/EA, Palco works with participant-directed programs across the US and provides customized services depending on program requirements and state rules and regulations. Some of the common duties include payroll, paperwork assistance, employer tax filing, and support.

Palco follows all applicable federal, state, and local laws. We also follow federal and state Medicaid regulations, policies, and procedures. Protecting your private health information is a top priority of Palco. We follow all aspects of the Health Insurance Portability and Accountability Act (HIPAA) to safeguard your medical information and keep it safe.



All Palco employees are mandatory reporters of suspected abuse, neglect, and exploitation. This means if any incident of abuse or suspected abuse is reported to us, we must report it. As the employer, you must report any suspected abuse, neglect, or exploitation to the supports coordinator.

Your feedback is very important to us. If you have a complaint regarding the administrative services you receive from Palco, please let us know. We will respond in a reasonable amount of time and work with you to achieve a solution. Complaints may be made verbally or in writing. You can contact a supervisor within our Customer Service department during our business hours and they will capture your feedback and ensure it is handled by the appropriate individuals.



ROLES AND RESPONSIBILITIES

Role of the VF/EA FMS

The primary role of the VF/EA FMS (Palco) is to act as the employer agent for individuals or surrogates who are the employer of the qualified workers they hire directly. Being the agent means providing services on behalf of the employer by stepping into their shoes solely for the purpose of performing activities, such as paying taxes, setting up workers' compensation insurance, and generating payroll.

As the employer agent, the VF/EA FMS is responsible for processing payroll for qualified support service professionals hired directly by individuals/surrogates and for paying for other authorized services delivered in accordance with individuals' IPOS (to qualified individuals providing transportation for mileage reimbursement and vendors).

The VF/EA FMS can only pay for the authorized services in the individual's IPOS that have been delivered by qualified workers, vendors, and individuals providing transportation for mileage reimbursement. The VF/EA FMS may not pay for services that have not been authorized in the waiver participants IPOS.

Role of the Employer

As mentioned above, in self-direction many aspects of the service delivery such as hiring, training, scheduling, and managing employees (workers) is your responsibility as the employer. The employer has many responsibilities included but not limited to those listed on your Employer Responsibilities Form:

1. Enroll with VF/EA FMS and complete the required documents.



2. Agree to manage the authorized participant-directed service in accordance with the Employer Agreement.
3. Recruit, interview, and hire qualified workers.
4. Verify qualifications of workers and vendors prior to the person or entity rendering a waiver funded participant-directed service.
5. Complete and submit required qualified worker documents to the VF/EA FMS for processing.
6. Maintain an employment/qualification file on each qualified worker and qualified vendor.
7. Verify ongoing qualifications for the workers, both regularly scheduled and emergency back-up workers, as needed per program requirements and timelines established in the approved waiver.
8. Once the worker is qualified, the employer and the qualified worker must sign the Worker Agreement Form and submit it to the VF/EA FMS.
9. Update any changes in qualified worker information and submit the required information to the VF/EA FMS.
10. Negotiate the wage and optional benefit allowance for qualified workers within the established wage ranges and complete and sign the Worker Rate Sheet and submit the rate sheet for processing.
11. Determine the work schedule of qualified workers up to a maximum of 40 hours per week based on the services authorized in the IPOS.
12. Schedule worker's work schedule to ensure required and authorized services are provided and overtime will not occur.
13. Determine the tasks/activities the qualified worker or natural support person will perform including how and when to perform service-related tasks/activities, in accordance with the authorized IPOS and service definitions.
14. Orient and train qualified workers as per the qualification criteria and service definition requirements included in the approved waivers and IPOS.
15. Ensure that the Service Documentation is completed by you, qualified workers, and that the form documents that all services delivered support the IPOS outcomes.
16. Review, approve, and sign the qualified worker timesheets to ensure accuracy prior to submitting to the VF/EA FMS organization. The use of Palco's electronic time system fulfills this requirement.

17. Provide supervision to all qualified workers and emergency back-up workers.
18. Terminate qualified workers for just cause and notify the VF/EA FMS of the dismissal of qualified workers.
19. Track utilization of authorized services and associated funds to ensure qualified workers and vendors provide participant-directed services in accordance with the authorized IPOS.
20. Notify and discuss with the CM any changes in a participant's need that may require a team meeting and/or revision to the IPOS.
21. Notify the CM and the VF/EA FMS when the employer suspects or is aware of issues of Medicaid fraud or financial abuse related to the delivery of the participant's services.
22. Respond to surveys regarding the participant's or surrogate's satisfaction with the VF/EA FMS.
23. Participate in required orientation and trainings offered by the VF/EA FMS related to the VF/EA FMS model.
24. Enter into and maintain compliance with all standard agreements with the VF/EA FMS.
25. Prepare and report on IPOS outcomes and progress achieved during meetings.
26. Participate in remediation, training, and termination processes as established and directed by SWMBH.

Employer – Recruiting and Interviewing

When looking for workers, you should consider many things. Some situations may allow for friends and family to provide care while others may need to look for outside help. If you are hiring family, always set clear boundaries and lay out the expectations so everyone feels understood. Remember, this is a real job with real money and work needs to be done. If you are recruiting other help from outside of your family, you may want to consider writing a job advertisement and description. It is important you think creatively about places to post your job advertisement so you attract more candidates. Some possible ideas include:

- ✓ Grocery stores.

- ✓ Online publications.
- ✓ Schools and colleges.
- ✓ Hospitals and rehab.
- ✓ Social media.
- ✓ Religious centers.
- ✓ Community/recreational centers.

Once you have several candidates or applicants, you will want to filter through and interview to find a good fit. Always be safe when interviewing and protect your personal information. Remember to not share your personal address or any health information until you get to know someone and feel comfortable. You may want to consider a public place such as a restaurant or library to meet candidates for the first time. You may also want to have a trusted friend or family member present.

When interviewing, be careful not to ask questions that are offensive or illegal in nature. Questions about race, religion, age, disability, and citizenship are among several types of questions not allowed. Use the interview to focus on the tasks at hand that you will be needing help with. It is good practice to put together a description of the job and plan the questions you will ask ahead of time so you are prepared.

After you have narrowed down your selection, calling their references is a great way to get to know more about the person. You can speak with both professional and personal references to find out about their work history and personally.

Hiring a Worker

Once you have chosen the worker to hire, Palco will support you in making that happen. You will start by reaching out to Palco and requesting an intake form for the worker to complete. You can get this form by calling customer service or going online to Palco's website. The intake form will help Palco collect some basic information such as name, address, phone number, social security number, and enrollment preferences.



Depending on your preferences and individual needs, Palco offers several options for completing your enrollment. Enrollment can be completed via our online enrollment system. Online enrollments are the fastest and most efficient way to get a new employee enrolled with Palco.

As the employer, you will be responsible for ensuring the employees' packet is completed fully and accurately. Always double check that everything is filled in and no pages are missing before you submit to Palco. Incomplete packets will be returned for corrections and will cause a delay in being able to hire your worker.

A worker cannot ever begin working until you receive a "good-to-go" notice from the Palco enrollment team. Any hours that are worked prior to being hired and being approved to work will not be paid by Palco and will be the responsibility of the employer.

As the employer, you can determine how much to pay the worker based on the wage and unit ranges by service. All workers must be paid at least minimum wage, which is currently \$12.48 per hour. **A cost to you helpful tool for determining budget costs can be found on the Palco website.**

Criminal Background Checks

Criminal history background checks are mandatory as part of the worker hiring process. The checks are performed at no cost to the employer and can help the employer make an informed decision about hiring. The criminal history background checks can include:

- ✓ **Office of Inspector General (OIG) exclusions database**
- ✓ **State of Michigan Sanctioned Provider List**
- ✓ **System for Award Management (SAM)**

Being a Good Employer

As the employer, you will have to manage and supervise your workers. Best practices for managing and supervising your workers include the following items:

- ✓ Orientate your workers to your home and the job.
- ✓ Train your worker how you want things done.
- ✓ Ensure the workplace and tasks are performed safely and proper precautions for health and safety are followed.
- ✓ Set a work schedule for the employee to follow.
- ✓ Give positive and constructive feedback when necessary.
- ✓ Create a good working relationship with open and honest communication.
- ✓ Treat your worker with respect and kindness.
- ✓ How you treat your employees will affect how long they work for you.

Paying Workers

As part of the role as your F/EA, Palco will assist with the payroll functions for paying your workers. As the employer, you will be required to submit documentation of the time worked for each of your workers. All employers and workers must use Palco's online time system, Connect, to review and approve their time every payroll.

As an employer in this program, you must comply with the Fair Labor Standards Act (FLSA). This means you are potentially responsible for the overtime and travel time that your workers work. Overtime is when a worker works over 40 hours in a week or more than 12 hours in a shift. Travel time is when a worker completes work at one participant's home and then travels to another participant's home to work.

Some of your responsibilities as the employer around this topic include:

- ✓ Managing your worker's work hours.
- ✓ Ensuring workers receive payment for travel time costs under the FLSA. We do not have a mechanism to pay for this so do not arrange your care where you would be liable for the travel costs under the FLSA. We cannot pay them for travel costs that are shared across two or more participants.

- ✓ Monitoring travel time and overtime for shared workers. There is not a system in place to split these costs among participants who share a worker.

Example: You manage the care of two participants. These participants live one mile apart and share the same worker. The worker works 30 hours a week for one participant and 25 hours for the other participant. You have created a schedule that has the worker working 55 hours a week. The SSP must receive overtime pay for all hours past 40 for that week. Because the service delivery option cannot reimburse for overtime across multiple participants, the worker will not be able to get paid an overtime rate for the 15 hours worked.

Electronic Visit Verification (EVV)

Electronic Visit Verification (EVV) is a system which electronically verifies that home or community-based service visits occur by capturing and documenting six points of data:

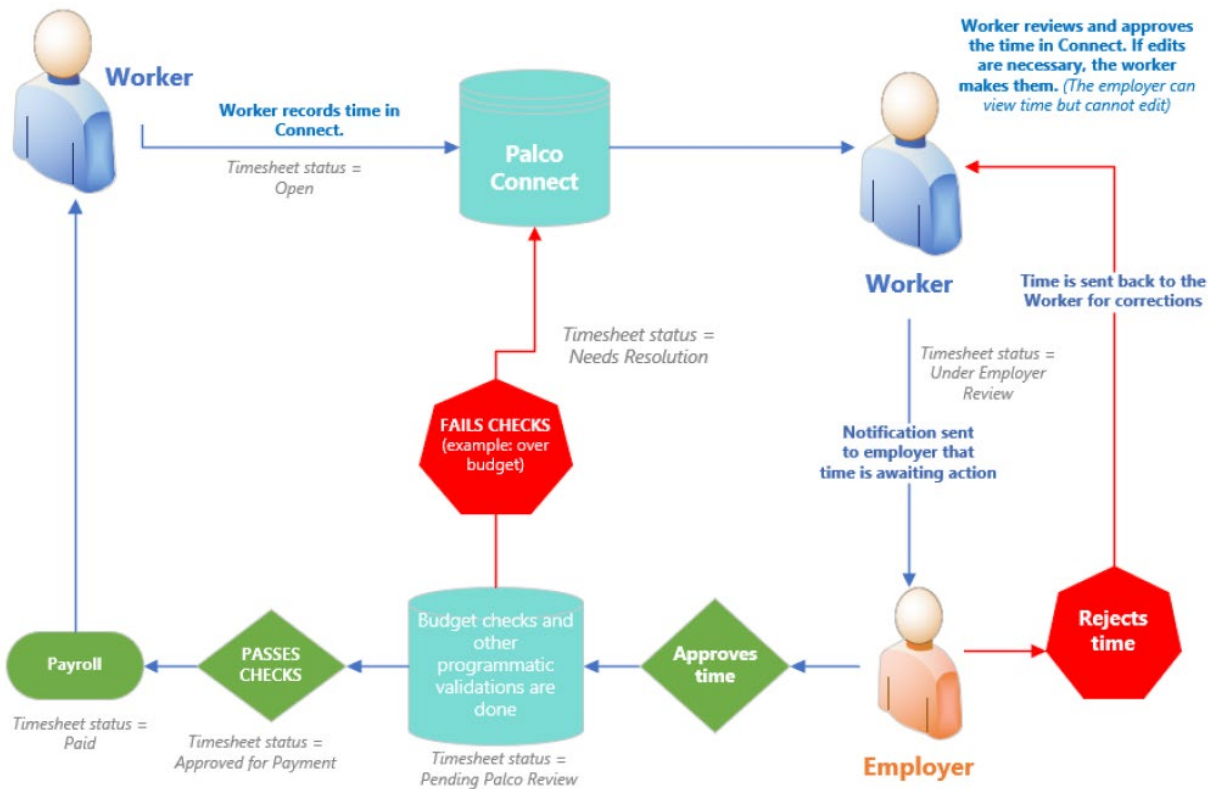
- ✓ Type of services performed.
- ✓ Individual receiving the services.
- ✓ Individual providing the services.
- ✓ Date of service.
- ✓ Location of service.
- ✓ Time service begins and ends.

EVV is a Federal mandate under the 21st Century Cures Act that requires compliance by all Medicaid agencies. Palco will implement EVV with Michigan in 2024, more information to come.

Online Timesheet Portal

Palco's online time portal, known as Connect, is a fast and efficient way to review and submit your time! Connect is fully integrated with the EVV platform and imports shifts directly into Connect so it can be viewed, managed, and submitted.

All time submission with Palco requires approval by both the employer and employee. The graphic on the next page illustrates the process flow for our online time sheet portal. The worker must review and approve the time at the end of the pay cycle as designated on the payroll schedule. Once the worker submits it, the timesheet is locked and goes to the employer for final approval. It is the responsibility of the employer to ensure the time is 100% accurate before submitting. If there are issues, it should be rejected and sent back to the worker for corrections. A full Time Entry User Guide can be found on the Palco website or requested by calling customer service.





Worker Hours

As the employer, you will determine the workers work schedule in accordance with the program rules and authorizations for services you have received. A worker cannot be paid for hours worked or tasks performed that are not authorized in the IPOS.

Program rules prohibit the delivery of services in certain settings. An example would be when the individual is hospitalized or admitted to any kind of facility or institution. As the employer, you are responsible for following all state and program rules around receiving services. In the event that a worker works during a time designated as unpayable per program rules, the employer will be responsible to cover all costs. If payment is rendered by Palco and it is determined funds must be recouped, Palco will initiate a payment recovery plan to recover the necessary amount of funds. Any instances of suspected fraud will be reported to the appropriate authorities for investigation.

Employer Training

Palco has regularly scheduled trainings for employers and workers to learn about using our online Connect portal and to answer any questions. Visit our website for information on training or reach out to customer service to sign up: <http://www.palcofirst.com/>

Payroll

Palco will designate a payroll schedule and calendar specific to your program and you will want to become familiar with it. Specific timelines will be set for the start of a pay period, end of a pay period, deadline for time submissions, and payment date.

Payment is issued via direct deposit or via a Money Network Card, which you can request during enrollment. Palco does not allow a paper check option for Michigan. Using direct deposit or signing up for a pay card ensures you get your money the fastest possible way, and there are no errors with the mail service losing a paper check.

Please make sure you submit all shifts within 45 days from the date of service. Requests submitted beyond 45 days from the date of service may not be processed or paid.

W-2s are issued annually in January by Palco for all employees for the previous calendar year. Palco follows all IRS requirements for issuing W2s. Palco follows all state and federal laws when it comes to payroll.

Taxes

As the employer, you are required to pay employment taxes on your workers, as your VF/EA Palco handles all of this. Taxes are computed as a percentage of your worker's hourly rate, multiplied by the number of hours they worked.

These taxes are:

- ✓ **FICA.** FICA includes both Social Security and Medicare taxes. This rate is set by the federal government for all employers and cannot be changed.
- ✓ **FUTA.** The federal unemployment tax rate is for employers. This rate is set by the federal government for all Michigan employers and cannot be changed.
- ✓ **SUTA.** The state unemployment tax rate is set by the Michigan Department of Labor and is unique to all employers. Typically, new employers are set up with a new SUTA based on the unemployment office guidelines. The rate can increase or decrease depending on how many unemployment claims are made on your account, how much turnover you have in workers, and the dollar amount of wages you pay. High claims, turnover, and wages can result in high rates. The unemployment office updates this rate annually. This information should be used to update the IPOS service cost.

Monitoring Spending

Monitoring the use of your budget or service authorization is a very important piece of being successful in self-direction. Palco will provide you with monthly statements in Connect and reports to help you be successful with this. You should check your spending every month to ensure you are not over utilizing. Scheduling your workers for work hours according to the specified service frequency is another way to insure alignment with the service authorization. If you have concerns or need more services, you should speak with your Case Manager about how you can request that.

Terminating a Worker

There may come a time when a worker chooses to end their employment with you or vice versa. You should consider several factors when managing workers and making the decision to terminate.

- ✓ Documentation - it is important to document your interactions with the worker, including conversations you have had around corrective action.
- ✓ Consider having another person there if you are concerned for your health or safety.
- ✓ State the reason for termination clearly and concisely. Do not argue or attack.
- ✓ Make a plan for how you will maintain service delivery receive your care once the worker is gone.

You should report worker terminations to Palco immediately. You will need to complete a "Employment Separation Notice" form located on our website or you can request one by contacting customer service. In some states, labor laws may require a final paycheck be issued within certain time frames, so it is important Palco is notified quickly. Remember, if a worker worked, they must be paid. It is against the law to withhold pay for an employee under the Fair Labor Standards Act.



Reporting Changes

During your time as a Palco employer/PAR you or your workers may have changes to your information that you need to report. Changes to your legal name, address, phone number, or email can be made by submitting a “Change of Information” form located on our website or by contacting customer service. You should report these changes right away to avoid missing important communication about your services with Palco. Changes to the amount of services you receive will be completed via updates to your IPOS, which is made by the SWMBH Case Manager. Palco electronically retrieves service authorization weekly, and any approved and authorized changes will be reflected in this authorization file.



HEALTH AND SAFETY

It is important that you ensure your workers and those around you know how to monitor health-related warning signs. You will want to talk to them about your support needs and what to do in an emergency. If you experience a health-related emergency, you should always dial 911.

Other aspects of safety can sometimes be overlooked such as planning for services during inclement weather or a natural disaster. You should think about what you would need in one of those situations and prepare ahead of time. For example, do you have food and batteries stocked in case you cannot leave your home? What if you had to leave your home, where would you go? Do you have enough medication in case of a storm? If you needed to contact firefighters or paramedics, would they know what to do when they arrive? Thinking about and answering these kinds of questions ahead of time can make a stressful situation go smoother.

Workplace Injuries

Palco will obtain a workers' compensation policy on your behalf in case there are any workplace injuries. The workers' compensation law provides wage loss and medical benefits to employees who cannot work, or who need medical care, because of a work-related injury.

It is very important to follow the guidelines set out by Palco when it comes to reporting workplace injuries. If you and/or your worker do not report an injury per the guidelines below the insurance may not cover the claim.

First, if your worker is injured, seek the necessary medical care immediately. Second, call and report the injury via the process outlined below. Palco works with **Babb Inc.** to provide workers' compensation insurance and will assist in facilitating a claim through a **Claims Specialist** whose contact information is below:

All workplace injuries must be reported within 24 hours.

✔ Report your injury to **Babb Inc.** Toll Free- 1-800-892-1015



✓ Injuries can be reported 24 hours a day, 7 days a week

Third Party Administrator: Babb Inc., Babb Absence Management Services

Insurance Carrier: Berkshire Hathaway Guard

Babb Inc. Address: 850 Ridge Avenue Pittsburgh, Pennsylvania 15212 Babb Inc.

Phone: Toll Free (PA) 1-800-892-1015

Babb Inc. Fax: 412-322-1756

Mandatory Reporting

Who is a mandated reporter? A worker or employer who has reason to suspect that a recipient is a victim of abuse or neglect shall make an oral report to the Case Manager.

An employer or worker who observes suspected abuse, neglect, exploitation, or abandonment or has reasonable cause to suspect that abuse or neglect has occurred will immediately assure the recipient's health and safety.

In Michigan, abusing a dependent adult, an elderly person, or a child is a crime punishable by law. Criminal abuse of individuals includes physical or sexual abuse, financial abuse, neglect, and psychological abuse or intimidation. If you are subjected to any form of abuse, report the situation immediately. Contact info can be found at the beginning of this employer handbook.

Backup Planning

It is important to have a plan for unexpected circumstances such as care not showing up or an issue with your health. A written plan may help you think of what to do when you are in a time of need. Below is a simple decision tree for when you are seeking care. Think about other important information you may want to write down such as your care preferences, medications, preferred providers, and health warning signs. The decision tree on the next page can help you lay out your plan for if care is needed and unexpected circumstances arrive.



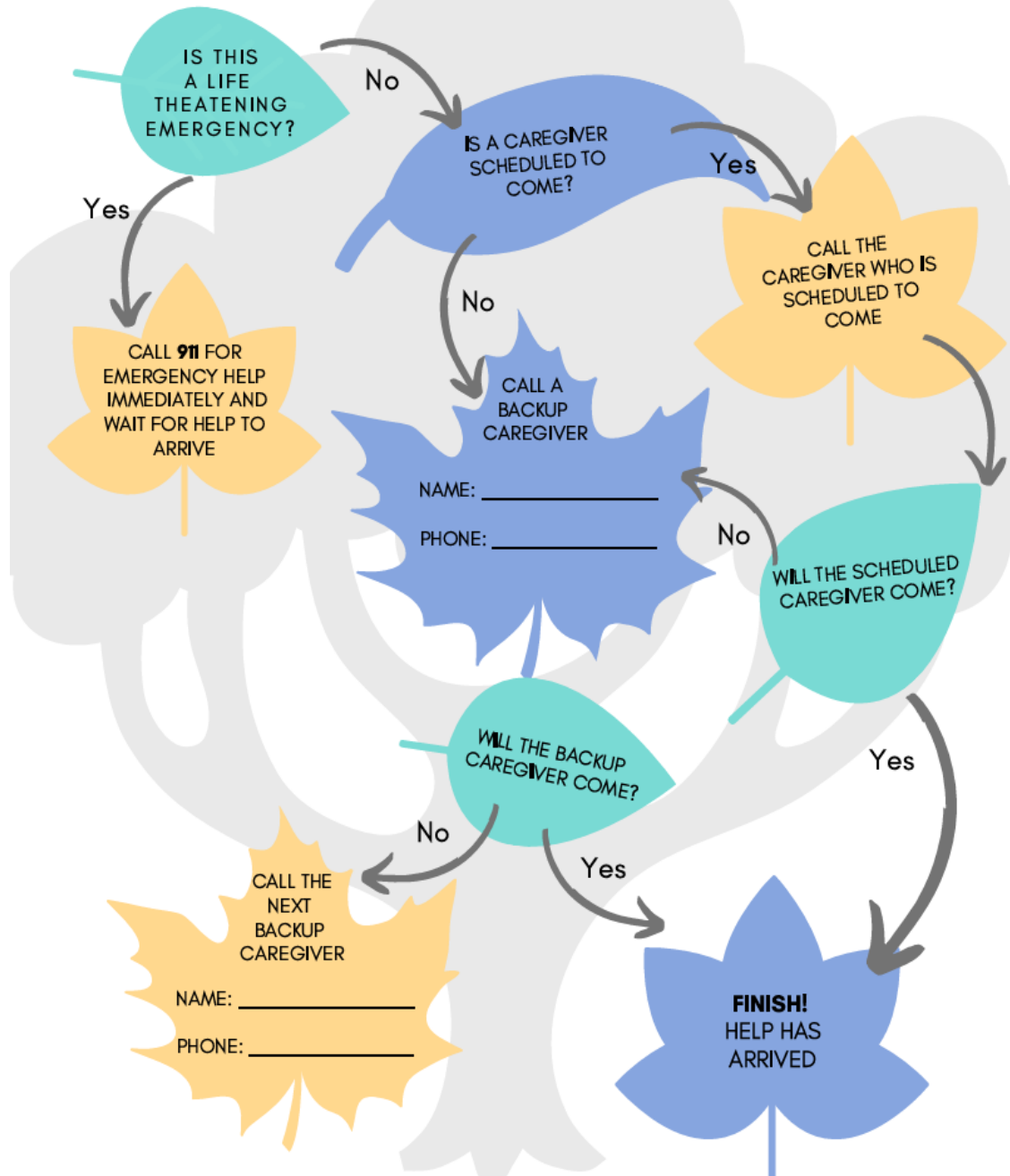
You should work with your Case Manager team to identify and designate the individuals who will be your natural support and paid emergency backup staff. Your emergency backup staff can be family members, friends, and neighbors who have volunteered to help you or a worker you recruit specifically to provide emergency backup care. Make sure each person named in your backup plan fully understands their role.

Paid workers should complete all the steps required to become a worker as soon as possible so that when an emergency arises, they can instantly begin performing work and be paid for those services.

You can change your Backup Plan and designated emergency backup and natural support staff at any time.

SELF-DIRECTION

Care Decision Tree





ONGOING SUPPORT

Service Notes

Service notes are a daily log of tasks that have been completed by the worker and should be captured using the prescribed service note template. The employer is responsible for ensuring service notes are complete and have all of the required information. The employer should train the worker on how to complete service notes during their orientation to the job. Service notes should be kept by the employer as documentation that support that a claim for services is justified. The participant's Case Manager may request copies of the service notes at any time, so it is important you maintain a clear and organized record. You can review the Service Notes Instructions resource and the Service Notes template form on the Palco website. If you have questions about service notes, speak with your Case Manager.

Terminating the VF/EA FMS Option

You may elect at some point to voluntarily stop using the Vendor/Fiscal model. When you reach this decision, you will first need to contact your Case Manager. A participant may voluntarily discontinue participant direction of waiver services at any time.

Involuntary Termination from the VF/EA FMS service option will occur if the participant or their designated employer is suspected or convicted of Medicaid fraud or if the participant fails to meet the conditions of their signed agreement. Involuntary termination will also occur if there is sufficient evidence through Case Manager monitoring that the participant's assessed needs are not being met as a result of the performance by the employer.



Ongoing Support

Participant direction does not mean doing things all by yourself. Palco customer support staff are available to support you along the way. If you have any questions, need support or assistance please call our customer service team and they will assist you! You can also visit our website to find additional forms and resources to help you on your journey with self-direction!

Palco Main Line: 1-866-710-0456

Email: customersupport@palcofirst.com

Website: <http://www.palcofirst.com/michigan>